

### **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed April 19, 2005. Upon entry of the amendments in this response, claims 1 – 20 and 25 – 31 are pending. In particular, Applicant has amended claims 1, 2, 4, 6, 7, 9, 11, 12, 14, 16, 17, and 19, has added claims 28 – 31, and has cancelled claims 21 - 24 without waiver, disclaimer or prejudice. Applicant has canceled claims 21 - 24 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **Indication of Allowable Subject Matter**

The Office Action indicates that claims 25-27 are allowed. Additionally, the Office Action indicates that claim 24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In this regard, Applicant has amended claim 1 to incorporate the limitations previously recited in claim 24. Therefore, Applicant respectfully asserts that claim 1 and its dependent claims 2 – 5 and 28 are in condition for allowance.

### **Claim Objections**

The Office Action indicates that claim 22 is objected as being of improper dependent form for failing to further limit the subject matter of a previous claim. As set forth above, Applicant has canceled claim 22 and respectfully asserts that the objection has been rendered moot.

### Rejections under 35 U.S.C. §103(a)

The Office Action indicates that claims 1-4, 6-9, 11-14, 16-19 and 21-23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Even* in view of *Evans*. The Office Action also indicates that claims 5, 10, 15 and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Even* in view of *Evans*, and further in view of *Douniwa*. With respect to claims 21 – 23, Applicant has cancelled these claims and respectfully asserts that the rejection of these claims has been rendered moot. With respect to the remaining claims, Applicant respectfully traverses the rejections.

With respect to claim 1, Applicant has amended claim 1 to incorporate the limitations previously recited in claim 24, the allowability of which is set forth in the Office Action. Therefore, Applicant respectfully asserts that claim 1 and its dependent claims 2 – 5 and 28 are in condition for allowance.

With respect to claim 6, Applicant has amended that claim to recite:

6. A system for optimizing compilation time of a program, the program including at least one block of code, comprising:  
means for generating a hash value for a block of code in the program;  
***means for generating a current object file from the block of intermediate code when the current hash value for the block of intermediate code does not correspond to the prior hash value;***  
***means for linking the generated current object file with other blocks of object code associated with the program;***  
***means for retrieving the preexisting object code when the current hash value for the block of intermediate code corresponds to the prior hash value; and***  
***means for linking the preexisting object code with other blocks of object code associated with the program.***

(Emphasis Added).

Applicant respectfully asserts that the cited art is legally deficient for the purpose of rendering claim 6 obvious. Specifically, Applicant respectfully asserts that the cited art, either individually or in combination, does not teach or reasonably suggest at least the features/limitation emphasized above in claim 6. Therefore, Applicant respectfully requests

that the rejection of claim 6 be removed and that claim 6 be placed in condition for allowance.

Since claims 7 – 10 and 29 are dependent claims that incorporate the features/limitations of claim 6, Applicant respectfully asserts that these claims are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

With respect to claim 11, Applicant has amended that claim to recite:

11. A computer readable medium for optimizing compilation time of a program, the program including at least one block of code, comprising:  
logic for generating a hash value for a block of code in the program;  
***logic for generating a current object file from the block of intermediate code when the current hash value for the block of intermediate code does not correspond to the prior hash value;***  
***logic for linking the generated current object file with other blocks of object code associated with the program;***  
***logic for retrieving the preexisting object code when the current hash value for the block of intermediate code corresponds to the prior hash value;***  
***and***  
***logic for linking the preexisting object code with other blocks of object code associated with the program.***

(Emphasis Added).

Applicant respectfully asserts that the cited art is legally deficient for the purpose of rendering claim 11 obvious. Specifically, Applicant respectfully asserts that the cited art, either individually or in combination, does not teach or reasonably suggest at least the features/limitation emphasized above in claim 11. Therefore, Applicant respectfully requests that the rejection of claim 11 be removed and that claim 11 be placed in condition for allowance.

Since claims 12 – 15 and 30 are dependent claims that incorporate the features/limitations of claim 11, Applicant respectfully asserts that these claims are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

With respect to claim 16, Applicant has amended that claim to recite:

16. A system for optimizing compilation time of a program, comprising:  
a compiler that generates at least one block of code from the program;  
and  
*a compilation optimizer*, wherein the compilation optimizer further comprises:  
logic that generates a hash value for a block of code in the program;  
*logic that generates a current object file from the block of intermediate code when the current hash value for the block of intermediate code does not correspond to the prior hash value;*  
*logic that links the generated current object file with other blocks of object code associated with the program;*  
*logic that retrieves the preexisting object code when the current hash value for the block of intermediate code corresponds to the prior hash value;*  
and  
*logic that links the preexisting object code with other blocks of object code associated with the program.*

(Emphasis Added).

Applicant respectfully asserts that the cited art is legally deficient for the purpose of rendering claim 16 obvious. Specifically, Applicant respectfully asserts that the cited art, either individually or in combination, does not teach or reasonably suggest at least the features/limitation emphasized above in claim 16. Therefore, Applicant respectfully requests that the rejection of claim 16 be removed and that claim 16 be placed in condition for allowance.

Since claims 17 – 20 and 31 are dependent claims that incorporate the features/limitations of claim 16, Applicant respectfully asserts that these claims are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

#### Newly Added Claims

Upon entry of the amendments in this response, new claims 28 – 31 are added.

Applicant submits that no new matter has been added and that these claims are allowable over

the cited art. In particular, each of these claims is a dependent claim that incorporates the features/limitations of a claim, the allowability of which is described above. Therefore, Applicant respectfully asserts that these claims are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.


**Art Made of Record**

The art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

### **CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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